

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 105.4 and 272C.5, the Plumbing and Mechanical Systems Board hereby gives Notice of Intended Action to amend Chapter 33, “Plumbing and Mechanical Systems Board—Contested Cases,” Iowa Administrative Code.

The proposed amendments pertain to the statement of charges issued by the Board. Item 1 rescinds paragraph 33.13(2)“b” which states, “Any allegation in the statement of charges not denied in the answer is considered admitted.” The effect of this rescission is to ensure that licensees have an opportunity to raise any potential defense in a contested case disciplinary proceeding, regardless of whether a licensee timely files an answer and regardless of the contents of the answer. It is the intent of the Board through these amendments to make the discipline process as fair as possible to licensees.

Any interested person may make written suggestions or comments on these amendments on or before August 27, 2013. Written materials should be directed to Cynthia Houlson, Plumbing and Mechanical Systems Board, 321 E. 12th Street, Des Moines, Iowa 50319-0075; fax (515)281-6114; e-mail cynthia.houlson@idph.iowa.gov.

There will be a public hearing on August 27, 2013, from 11:30 a.m. to 1 p.m., at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments. This hearing will originate from the Iowa Communications Network (ICN) and will be accessible over the ICN from the following locations:

Public Library
529 Pierce Street
Sioux City

Crestwood High School
1000 4th Avenue East
Cresco

Public Library, Meeting Room C
415 Commercial Street
Waterloo

Ottumwa Regional Health Center
1001 E. Pennsylvania
Ottumwa

Spirit Lake High School
2701 Hill Avenue
Spirit Lake

Public Library Information Center
Kelinson Room
2950 Learning Campus Drive
Bettendorf

Lucas State Office Building, Sixth Floor
321 E. 12th Street
Des Moines

Iowa Western Community College – 2
923 E. Washington
Clarinda

Burlington High School
421 Terrace Drive
Burlington

Any persons who intend to attend the public hearing and have special requirements, such as those relating to hearing or mobility impairments, should contact the Plumbing and Mechanical Systems Board at the above address and advise staff of specific needs.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 17A and section 105.27.

The following amendments are proposed.

ITEM 1. Rescind paragraph **33.13(2)“b.”**

ITEM 2. Reletter paragraph **33.13(2)“c”** as **33.13(2)“b.”**